

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

THE STATE OF MISSOURI ex rel.	)	
ERIC S. SCHMITT,	)	
	)	
Plaintiff,	)	
	)	Case No. 4:21-CV-00948-SRC
v.	)	
	)	
SAM PAGE, et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS' UNOPPOSED MOTION TO REMAND**

COME NOW Defendants Dr. Sam Page, Dr. Faisal Kahn, County Counselor Beth Orwick, and the St. Louis County Department of Health (collectively, "County Defendants") and Defendants City of St. Louis Mayor Tishaura Jones, Acting Director of the Department of Health for the City of St. Louis Fredrick Echols, and the Department of Health for the City of St. Louis (collectively, "City Defendants") (County Defendants and City Defendants collectively, "Defendants"), by and through their respective undersigned counsel, and without opposition of Plaintiff the State of Missouri ex rel. Missouri Attorney General Eric S. Schmitt ("Plaintiff"), respectfully request that the balance of this case be remanded to state court. In support of their Motion, Defendants state as follows:

1. On August 1, 2021, the Court entered a Memorandum and Order declining to exercise supplemental jurisdiction under 28 U.S.C. § 1367 over the state law claims raised in Plaintiff's First Amended Petition and remanding such claims to state court. (Doc. 14.)
2. The Court, for immediate purposes, retained any portion of Plaintiff's Count 8 that may arise under the Free Exercise Clause of the United States Constitution. (*Id.*)

3. On August 2, 2021, the Court ordered briefing on whether it had federal question jurisdiction over any part of the case. (Doc. 15.)

4. Following entry of the Court's orders, the case proceeded to state court, where additional proceedings were held, including a hearing on Plaintiff's Motion for Temporary Restraining Order.

5. In light of the proceedings that occurred following entry of the Court's Memorandum and Order, and for purposes of comity and to preserve the Court's and the parties' resources, Defendants respectfully request that the balance of Count 8 that remains pending in this action likewise be remanded to state court.

6. Counsel for Plaintiff does not oppose the instant request.

WHEREFORE, Defendants Dr. Sam Page, Dr. Faisal Kahn, County Counselor Beth Orwick, and the St. Louis County Department of Health, City of St. Louis Mayor Tishaura Jones, Acting Director of the Department of Health for the City of St. Louis Fredrick Echols, and the Department of Health for the City of St. Louis, without opposition of Plaintiff the State of Missouri ex rel. Missouri Attorney General Eric S. Schmitt, respectfully request that the balance of Count 8 that remains pending in this action be remanded to state court.

Dated: August 5, 2021

Respectfully submitted,

**MATT MOAK,  
CITY COUNSELOR**

**LEWIS RICE LLC**

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